

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**The Minutes**

**June 24, 2002**

**C036925      THE PEOPLE v. WILLIAMS      (Certified for Partial Publication)**

The judgment and sentence are affirmed.

BLEASE, Acting, P.J.

We concur:    Raye, J.  
                    Callahan, J.

**C035449      ARIF et al. and RICE et al. v. DURAND et al.      (Not for Publication)**

The order determining the Durands to be vexatious litigants is reversed. All of the remaining appealed orders are affirmed. The parties shall bear their own costs on appeal.

NICHOLSON, Acting P.J.

We concur:    Hull, J.  
                    Kolkey, J.

**C038755      REIBEL v. C.N.A/KANSAS CITY FIRE AND MARINE INSURANCE COMPANY      (Not for Publication)**

The judgment of dismissal is affirmed.

DAVIS, J.

We concur:    Sims, Acting P.J.  
                    Morrison, J.

**C039957      LASICH v. LASICH      (Certified for Publication)**

The trial court's order is affirmed. Mother shall recover her costs on appeal. (Cal. Rules of Court, rule 26 (a).)

SIMS, Acting P.J.

We concur:    Callahan, J.  
                    Robie, J.

**C039776      In re M.R. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JOYCE N. et al.      (Not for Publication)**

The orders of the juvenile court are affirmed.

SCOTLAND, P.J.

We concur:    Raye, J.  
                    Robie, J.

**June 25, 2002**

**C036646      THE PEOPLE v. LIZOTTE      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We concur:    Hull, J.  
                    Kolkey, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**June 25, 2002, continued**

- C038796      THE PEOPLE v. HOOK      (Not for Publication)**  
The judgment is affirmed.  
                                 KOLKEY, J.  
We concur:      Scotland, P.J.  
                                 Davis, J.
- C039175      THE PEOPLE v. WOMACK      (Not for Publication)**  
The judgment is affirmed.  
                                 SCOTLAND, P.J.  
We concur:      Hull, J.  
                                 Robie, J.
- C039721      THE PEOPLE v. ROMEO      (Not for Publication)**  
The judgment is affirmed.  
                                 KOLKEY, J.  
We concur:      Davis, Acting P.J.  
                                 Hull, J.
- C037620      EMOLO v. DEPARTMENT OF ANIMAL CARE AND REGULATION, COUNTY  
OF SACRAMENTO      (Not for publication)**  
The order denying the petition for writ of administrative mandamus is affirmed.  
The department is awarded costs on appeal. (Cal. Rules of Court, rule 26(a).)  
                                 BLEASE, J.  
We concur:      Scotland, P.J.  
                                 Kolkey, J.
- C038433      RYAN v. COUNTY OF SAN JOAQUIN et al.      (Not for Publication)**  
The judgment is affirmed.  
                                 HULL, J.  
We concur:      Blease, Acting P.J.  
                                 Davis, J.
- C039038      In re D.M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. C.V.      (Not for Publication)**  
The juvenile court's orders are affirmed.  
                                 HULL, J.  
We concur:      Scotland, P.J.  
                                 Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**June 26, 2002**

- C033039      THE PEOPLE v. GARY      (Not for Publication)**  
The order revoking probation and the judgment thereon is affirmed. The defendant's appeal concerning the miscalculation of presentence credits is dismissed.  
KOLKEY, J.  
We concur:    Blease, Acting P.J.  
                 Morrison, J.
- C038775      THE PEOPLE v. RICHARDS      (Not for Publication)**  
The judgment is modified by adding \$200 in state penalty assessments (Pen. Code § 1464), and \$140 in county penalty assessments (Gov. Code § 76000). As modified, the judgment is affirmed. The trial court shall amend the abstract of judgment to reflect these penalties and shall correct it to reflect the other fees that it orally imposed, including the \$50 criminal laboratory analysis fee (Health & Saf. Code § 11372.5), the \$150 drug program fee (Health & Saf. Code § 11372.7), the \$166 main jail booking fee, and the \$36 jail classification fee. It shall then forward a certified copy of the amended abstract to the Department of Corrections.  
KOLKEY, J.  
We concur:    Scotland, P.J.  
                 Davis, J.
- C037622      GARCIA, etc. v. REHRIG INTERNATIONAL, INC.      (Certified for Publication)**  
The order granting a new trial is reversed, and the cause is remanded to the trial court with directions to enter judgment in favor of defendant. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 26(a).)  
SIMS, Acting P.J.  
We concur:    Nicholson, J.  
                 Morrison, J.
- C036314      In re J.K.; SISKIYOU COUNTY DEPARTMENT OF HUMAN SERVICES v. G.K.  
C036844      et al.      (Not for Publication)**  
The judgment of the juvenile court is affirmed.  
HULL, J.  
We concur:    Blease, Acting P.J.  
                 Kolkey, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**The Minutes**

**June 27, 2002**

- C038078      THE PEOPLE v. BONILLA      (Not for Publication)**  
The judgment is affirmed.  
                         SCOTLAND, P.J.  
We concur:    Sims, J.  
                         Hull, J.
- C037502      WESTERN STATES PETROLEUM ASSOCIATION et al., v. DEPARTMENT OF  
HEALTH SERVICES      (Certified for Publication)**  
The judgment is affirmed.  
                         SCOTLAND, P.J.  
We concur:    Raye, J.  
                         Callahan, J.
- C039437      KAISER FOUNDATION HEALTH PLAN, INC. v. ZINGALE, etc.  
                         (Certified for Publication)**  
The order granting Kaiser's petition for a writ of administrative mandamus is affirmed.  
                         NICHOLSON, J.  
We concur:    Scotland, P.J.  
                         Morrison, J.
- C040285      RAMIREZ v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and  
THE PEOPLE      (Not for Publication)**  
Pet a peremptory writ of mandate issue directing respondent superior court to issue a final ruling on petitioner's habeas corpus petition in superior court case No. 00F08738 within 60 days of the date on which our opinion in this write proceeding becomes final. Our opinion is final as to this court forthwith. (Cal. Rules of Court, rule 24(d).) Having served its purpose, the alternative writ is discharged.  
                         SCOTLAND, P.J.  
We concur:    Sims, J.  
                         Hull, J.
- C039584      In re ALEXANDER B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. JOANNA B. et al.  
                         (Certified for Partial Publication)**  
The order of the juvenile court terminating the parental rights of appellants is affirmed.  
                         ROBIE, J.  
We concur:    Scotland, P.J.  
                         Hull, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**June 27, 2002, continued**

**C040281      RIOS et al. v. TARGET STORES**

BY THE COURT:

Appellants having failed to oppose the motion to dismiss is deemed to be an abandonment of the appeal.(See California Rules of Court, rule 41 ( c ).)

It is further ordered that respondent's motion for sanctions is denied. (See Code of Civil Procedure sections 581d, 659, subdivision (1); California Rules of Court, rule 3(a)(2); and In re Marriage of Flaherty (1982) 31 Cal.3d 637, 650.)

Scotland, P.J.

**June 28, 2002**

**C037785      THE PEOPLE v. JACKSON, JR.                      (Not for Publication)**

The judgment is affirmed. The trial court shall direct that the abstract of judgment be modified to reflect an aggregate prison term of 18 years. The clerk of the superior court shall forward a copy of the corrected abstract of judgment to the Department of Corrections.

CALLAHAN, J.

We concur:      Nicholson, Acting P.J.  
Robie, J.

**C038423      THE PEOPLE v. DELAMORTON                      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:      Davis, J.  
Kolkey, J.

**C038463      THE PEOPLE v. RUSHING                      (Not for Publication)**

The judgment is reversed and the case is remanded to the superior court for a new sentencing hearing consistent with this opinion.

ROBIE, J.

We concur:      Scotland, P.J.  
Davis, J.

**C039176      THE PEOPLE v. SARTAIN                      (Not for Publication)**

The judgment of conviction is affirmed. Defendant's sentence is vacated and the matter is remanded for retrial only to determine whether defendant's Oregon conviction for sexual abuse in the first degree is a serious or violent felony and to resentence defendant accordingly.

ROBIE, J.

We concur:      Scotland, P.J.  
Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**The Minutes**

**June 28, 2002, continued**

- C038571      JOHNSON v. HERRERA      (Not for Publication)**  
Herrera's appeal from the order denying his motion to quash, set aside the default, and vacate the default is dismissed. With respect to his appeal from the default judgment, the judgment is affirmed. Plaintiff shall recover her costs on appeal.  
KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                 Raye, J.
- C038812      GRAEAGLE LAND AND WATER COMPANY, INC. v. GILPATRICK et al.      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur:    Davis, J.  
                 Kolkey, J.
- C039375      AMERICAN BUILDINGS COMPANY v. BAY COMMERCIAL CONSTRUCTION, INC.      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We concur:    Morrison, J.  
                 Robie, J.
- C039296      In re K.H.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. CARL L.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
DAVIS, Acting P.J.  
We concur:    Morrison, J.  
                 Kolkey, J.